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 11 Attorneys for Defendant, *HENRIQUE REAL*

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 **UNITED STATES OF AMERICA**)
 10 Plaintiff,)
 11 v.)
 12 **HENRIQUE REAL,**)
 13 Defendant,)
 14

CASE NO. 2:17-CR-0001-JAD-CWH

15 **MOTION TO WITHDRAW DAVID Z. CHESNOFF AND RICHARD A. SCHONFELD**
 16 **AS COUNSEL OF RECORD FOR HENRIQUE REAL**

17 COMES NOW, DAVID Z. CHESNOFF, ESQ. and RICHARD A. SCHONFELD, ESQ.,
 18 of the law office of **CHESNOFF & SCHONFELD** and hereby move this Honorable Court for an
 19 Order withdrawing said counsel as attorney of record for **HENRIQUE REAL**.

20 This Motion is made and based upon the attached Memorandum of Points and Authorities,
 21 and the papers and pleadings on file with this Honorable Court.

22 DATED this 19th day of April, 2018.

23 Respectfully submitted:

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 25 **DAVID Z. CHESNOFF, ESQ.**
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 27 **RICHARD A. SCHONFELD, ESQ.**
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 31 Tel.: (702) 384-5563

MEMORANDUM OF POINTS AND AUTHORITIES

A. Relevant Procedural History:

The relationship between Henrique Real and his counsel David Z. Chesnoff and Richard A. Schonfeld has deteriorated to the point where Mr. Real refuses to follow counsel's advise, refuses to meaningfully communicate with counsel, and takes action inconsistent with representations he has made to counsel regarding legal strategy.

There has been a complete and irreconcilable breakdown of the attorney/client relationship and Mr. Real has requested that counsel Chesnoff and counsel Schonfeld file this Motion to Withdraw.

In the event that this Honorable Court grants this Motion to Withdraw, Mr. Real will still have attorney Kathleen Bliss as counsel of record.

STATEMENT OF THE LAW

Local Rule IA 10-6 states, in pertinent part:

LR IA 10-6. APPEARANCES, SUBSTITUTIONS AND WITHDRAWALS.

- (a) A party who has appeared by attorney cannot while so represented appear or act in the case. An attorney who has appeared for a party shall be recognized by the court and all the parties as having control of the client's case. The court in its discretion may hear a party in open court even though the party is represented by an attorney.
- (b) No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.
- (c) Any stipulation to substitute attorneys shall be by leave of court and shall bear the signatures of the attorneys and of the client represented. Except where accompanied by a request for relief under subsection (e) of this rule, the signature of an attorney to a stipulation to substitute such attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.

- (d) Discharge, withdrawal or substitution of an attorney shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.
- (e) Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing. If a trial setting has been made, an additional copy of the moving papers shall be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge or magistrate judge.

The Nevada Rule of Professional Conduct 1.16(3), provides in relevant part that a lawyer shall not represent a client if the lawyer is discharged. RPC 1.16(b)(4) provide that a lawyer may withdraw from representing a client if the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement. Both situations exist in this case.

In light of the foregoing, it is respectfully submitted that counsel David Z. Chesnoff and Richard A. Schonfeld be permitted to withdraw as attorneys of record for Henrique Real herein.

DATED this 19th day of April, 2018.

IT IS SO ORDERED.

DATED: May 4, 2018

C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted:

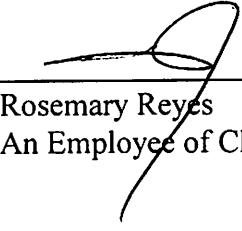
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that service of the foregoing Motion to Withdraw David Z. Chesnoff and
3 Richard A. Schonfeld as Counsel of Record for Henrique Real in Case No. 2:16-cr-331-JCM-NJK
4 and 2:17-cr-0001-JAD-CWH was made this date by placing a true and correct copy of the same
5 in the United States mail at Las Vegas, Nevada, first class postage prepaid addressed to:
6

7 Henrique Real, #53690048
8 Nevada Southern Detention Center
9 2190 East Mesquite Avenue
Pahrump, Nevada 89060

10 **DATED** this 19th day of April, 2018.

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12 Rosemary Reyes
13 An Employee of Chesnoff & Schonfeld
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